Sl. No.	Name of the State/UT.	No. of Short Stay Home
12	Madhya Pradesh	6
13	Maharashtra	28
14	Manipur	3
15	Orissa	20
16	Punjab	5
17	Rajasthan	9
18	Sikkim	1
19	Tamil Nadu	16
20	Tripura	5
21	Uttar Pradesh	25
22	West Bengal	28
23	Chandigarh	2
24	Dadra & Nagar Haveli	1
25	Delhi	6
26	Pondicherry	2
27	Andaman & Nicobar Islands	1
		256

Recommendations of the Task Force under Justice Bhagwati

705. SHRI TRILOKI NATH CHATURVEDI :
DR. MURLI MANOHAR JOSHI :

Will the Minister of WELFARE be pleased to state :

(a) what are the principle recommendations of the task force under Justice Bhagwati regarding adoption;

(b) what steps have been taken to implement the recommendations; and

(c) what steps have been taken to simplify the laws relating to adoption and bring about uniformity ?

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K. V. THANGKA BALU) : (a) The salient features of the main recommendations of the Task Force under the Chairmanship of Justice Mr. P. N. Bhagwati is annexed as statement. (*See* below).

(b) The recommendations of the Task Force are under examination in this Ministry.

(c) There is no uniform law to regulate adoption in this country. Hindus can adopt a child through a religious ceremony or under Hindu Adoption & Maintenance Act, 1956 while others can take a child under their guardianship in terms of the Guardians and Wards Act, 1890. Attempts made in the past for enacting a leislation for adoption

have not fructified in view of strong opposition from same sections of the minorities.

Statement

The salient features of the main recommendations made by the Task Force are as follows :—

1. *The role of the Central Adoption Resources Agency, Ministry of Welfare.*

(i) The original application/documents for adoption of Indian child may be submitted by the foreign enlisted agencies directly to the recognised Indian placement agency with a photocopy to CARA. The CARA has to furnish the clearance certificate within the time frame viz., five weeks from the date of the receipt of the application to the concerned placements agency of existing guidelines, the foreign enlisted agencies are required to forward legal application and document to CARA.

(ii) CARA may be registered under the Societies Registration Act and it shall be an autonomous body. In the exercise of its functions and power it shall be independent of any control or interference by the Government of India save and except in regard to matters of policy where it shall be bound to act on conformity with and in implementation of such policy decision of the Government of India.

2. *Role of the State Government/U.T. Admns.*

The State Government shall maintain a list of childrens homes and adoption agencies working in the State. They shall also form an Advisory Committee on adoption to effectively supervise the adoption work and to carry-ou the inspection of the adoption agencies.

3. *Role of recognised Indian agencies for adoption :*

The placement agencies shall make all out efforts to place a child in an Indian family according to a time-frame. The Voluntary Coordination Agencies shall issue necessary clearance certificate in favour of a placement agency for pursuing inter-country adoption only if they fail to find an Indian family for the adoptive child.

4. *Recognition of Indian Agencies:*

The State Government shall submit its recommendation on the application of renewal submitted by the placement agencies to the Central Adoption Resource Agency within a period of two months from the date of receipt of the application. In the absence of any recommendadation from the State Government within the time frame, the concurrance of the State Government will be presumed by the Central Adoption Resource Agency and the application will be processed by Central Adoption Resource Agency for grant of recognition within a maximum period of two months. If no response is received from the Central Adoption Resource Agency to the application by the placement agency within a further maximum period of two months or before the expiry of the recognition of the agency whichever is later, the renewal shall be deemed to have been granted for a period of two years.

5. *Enlistment of Foreign agencies for adoption :*

(i) The request from the foreign agencies for the enlistment for the purpose of inter-country adoption shall be routed through the Indian Embassies/High Commission in their country. The recommendation of the Indian Embassies/High Commissions in their country will be taken into account while considering the request of the foreign agencies for enlistment by the Central Adoption Resource Agency.

6. *Role of Voluntary Coordinating Agencies :*

A time period of 60 days instead of 30 days shall be given to V.C.A. for putting their best efforts to place the child within the country and in case they fail they shall issue necessary clearance certificate to the placement agencies within a maximum period of 60 days.

7. *Role of Scrutinising Agencies :*

The Court may appoint any agency, being a body of experts in the field of child care and welfare not in itself involved in any manner in the placement of children in adoption as a scrutinising agency. The Court shall have the power to appoint any other scrutinising agency recognised by CARA depending upon the situation.

8. *Miscellaneous :*

It will be desirable for the Government of India to enter into bilateral agreement with countries which are receiving children from India for the purpose of adoption and such bilateral agreements should provide for full coordination between the appropriate authorities of India and the receiving State and also for protection and safeguarding of the Welfare of the children taken for adoption in the receiving State.

Child rape in the country

705. SHRI KRISHAN LAL SHARMA : Will the Minister of WELFARE be pleased to state :

(a) whether it is a fact that there is noticeable increase in the cases of child rape in the country;

(b) whether it is also a fact that such cases take a long time in awarding punishment to the culprits;

(c) whether it is also a fact that some organisation of the country have demanded stringent and prompt actions against the culprits as well as against officers who try to hush up or delay such cases ;

(d) if so, whether Government propose to bring a fresh bill conferring detriment punishment to those found guilty; and

(e) if so, by when ?

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K. V. THANGKA BALU) : (a) and (b) Yes, Sir.

(c) to (e) Suggestions for amendment in the laws, including stricter punishments for offences, have been made from time to time at different forums. The National Commission for Women (NCW) of Department of Women and Child Development is charged with the responsibility under the NCW Act, 1990 to review, from time to time, the adequacy of existing laws relating to women and to recommend amendments. The NCW had organised a Seminar on Child Rape in October, 1992. The Members of the NCW, representatives from voluntary organisations, eminent lawyers and activists had participated in the Workshop. The report of the Seminar is being further processed by NCW/Department of WCD of the Ministry of HRD.

Establishment of Minorities Financial Development Corporation

707. SHRI K. RAHMAN KHAN : Will the Minister of WELFARE be pleased to refer to answer to Unstarred Question 1805 given in the Rajya Sabha on 4th March, 1994 and state the progress made so far with regard to establishement of National Minorities Financial Development Corporation ?

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K. V. THANGKA BALU) : In the address of the President to the Parliament on 21-2-94